PATENT
5189US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

van Gemen et al.

Serial No.: To be assigned

Filed: December 4, 2001

For: TESTING ENDOSYMBIONT CELLULAR ORGANELLES AND COMPOUNDS IDENTIFIABLE THEREWITH

Examiner: To be assigned

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Preliminary Amendment

Commissioner for Patents
Washington, D.C. 20231

Sir:

Before examination of the application and calculation of the filing fees, please amend the above identified patent application as follows:

IN THE CLAIMS:

Please add claims 41 through 46. Applicants note that all claims amended herein are shown below in clean form.

7. (Amended) The method according to claim 1, wherein said first nucleic acid comprises RNA.

11. (Amended) The method according to claim 8, wherein said first nucleic acid comprises DNA and said second nucleic acid comprises RNA.

13. (Amended) The method according to claim 8, wherein said first nucleic acid and/or gene product thereof and said second nucleic acid and/or gene product thereof are obtained from the same kind of organelle.

14. (Amended) The method according to claim 1, wherein said first nucleic acid comprises RNA and said second nucleic acid comprises DNA.

19. (Amended) The method according to claim 17, wherein said medicament is used for treatment of a chronic disease.

20. (Amended) The method according to claim 17, wherein said introducing a medicament to said organism comprises introducing said medicament to an organism free from side-effects at a first time said medicament is introduced to said organism.

21. (Amended) The method according to claim 17, wherein said therapeutic activity comprises a therapeutic activity against an HIV-related disease and/or a tumor-related disease.

22. (Amended) The method according to claim 17, wherein said medicament comprises a nucleoside and/or nucleotide analogue.

24. (Amended) The method according to claim 17, wherein said medicament comprises AZT, ddI, ddC, d4T, 3TC and/or tenofofir.

25. (Amended) The method according to claim 17, wherein said determining comprises determining said relative ratio prior to said introducing said medicament.

26. (Amended) The method according to claim 16, further comprising determining selective activity of said candidate compound against said cellular organism.

30. (Amended) The method according to claim 1, wherein said relative ratio is determined in the same assay.

32. (Amended) The method according to claim 30, wherein said relative ratio is determined directly by dividing an amount of said first nucleic acid and/or gene product by an amount of said second nucleic acid and/or gene product.

33. (Amended) The method according to claim 30, wherein said relative ratio is determined directly by dividing an amount of said second nucleic acid and/or gene product by an amount of said first nucleic acid and/or gene product.

34. (Amended) The method according to claim 1, wherein said relative ratio is determined by comparison with a reference curve.

35. (Amended) The method according to claim 1, wherein said first nucleic acid and/or gene product thereof and said second nucleic acid and/or gene product thereof are obtained from a peripheral blood mononuclear and/or a fibroblast.

36. (Amended) A diagnostic kit comprising at least one means for performing a method according to claim 1.

39. (Amended) The method according to claim 16, further comprising preparing said candidate compound as a medicament, an herbicide, an insecticide, an anti-parasiticum, a cystostatic agent or a cytotoxic agent.

40. A medicament, a herbicide, an insecticide, an anti-parasiticum, a cystostatic agent or a cytotoxic agent obtainable or selectable by the method according to claim 16.

Please add the following new claims:

41. (New) The method according to claim 16, wherein said introducing a candidate compound to said organism comprises introducing said medicament to an organism free from side-effects at a first time said medicament is introduced to said organism.

42. (New) The method according to claim 16, wherein said therapeutic activity comprises a therapeutic activity against an HIV-related disease and/or a tumor-related disease.

43. (New) The method according to claim 16, wherein said candidate compound comprises a nucleoside and/or nucleotide analogue.

44. (New) The method according to claim 43, wherein said nucleoside and/or nucleotide analogue comprises fludarabine, mercaptopurine, tioguanine, cytarabine, flurouracil, and/or gemcyatbine.

45. (New) The method according to claim 16, wherein said candidate compound comprises AZT, ddI, ddC, d4T, 3TC and/or tenofofir.

46. (New) The method according to claim 16, wherein said determining a relative ratio prior to said introducing said candidate compound.

Remarks

The application is to be amended without prejudice or disclaimer as previously set forth, which should not be viewed as narrowing or limiting the claims. The amendments are sought to conform the application to a form more consistent with Office practice by removing multiple dependencies. It is respectfully submitted that no new matter has been added by the amendments. Should the Office determine that additional issues remain, which might be resolved by a telephone conference, it is respectfully invited to contact applicants' undersigned attorney.

Respectfully Submitted,

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Enclosure: Version With Markings to Show Changes Made

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

7. (Amended) The method according to [any one of claims 1 to 6] claim 1, wherein said first nucleic acid comprises RNA.

11. (Amended) The method according to [any one of claims 1, 2, or] claim 8, wherein said first nucleic acid comprises DNA and said second nucleic acid comprises RNA.

13. (Amended) The method according to [any one of claims] claim 8 [to 12], wherein said first nucleic acid and/or gene product thereof and said second nucleic acid and/or gene product thereof are obtained from the same kind of organelle.

14. (Amended) The method according to claim 1 [or 2], wherein said first nucleic acid comprises RNA and said second nucleic acid comprises DNA.

19. (Amended) The method according to claim 17 [or 18], wherein said medicament is used for treatment of a chronic disease.

20. (Amended) The method according to [any one of claims 16 to 19] claim 17, wherein said introducing a medicament to said organism comprises introducing said medicament to an organism free from side-effects at a first time said medicament is introduced to said organism.

21. (Amended) The method according to [any one of claims 16 to 21] claim 17, wherein said therapeutic activity comprises a therapeutic activity against an HIV-related disease and/or a tumor-related disease.

22. (Amended) The method according to [any one of claims 16 to 21] claim 17, wherein said [candidate compound or] medicament comprises a nucleoside and/or nucleotide analogue.

24. (Amended) The method according to [any one of claims 16 to 23] claim 17, wherein said [candidate compound or] medicament comprises AZT, ddI, ddC, d4T, 3TC and/or tenofofir.

25. (Amended) The method according to [any one of claims 16 to 24] claim 17, wherein said determining comprises determining said relative ratio prior to said introducing said [candidate compound or] medicament.

26. (Amended) The method according to [any one of claims 16 or 20 to 25] claim 16, further comprising determining selective activity of said candidate compound against said cellular organism.

30. (Amended) The method according to [any one of claims] claim 1 [to 29], wherein said relative ratio is determined in the same assay.

32. (Amended) The method according to claim 30 [or 31], wherein said relative ratio is determined directly by dividing an amount of said first nucleic acid and/or gene product by an amount of said second nucleic acid and/or gene product.

33. (Amended) The method according to claim 30 [or 31], wherein said relative ratio is determined directly by dividing an amount of said second nucleic acid and/or gene product by an amount of said first nucleic acid and/or gene product.

34. (Amended) The method according to [any one of claims 1 to 33] claim 1, wherein said relative ratio is determined by comparison with a reference curve.

35. (Amended) The method according to [any one of claims 1 to 34] claim 1, wherein said first nucleic acid and/or gene product thereof and said second nucleic acid and/or gene product thereof are obtained from a peripheral blood mononuclear and/or a fibroblast.

36. (Amended) A diagnostic kit comprising at least one means for performing a method according to [any one of claims 1 to 35] claim 1.

39. (Amended) The method according to [any one of claims] claim 16 [or 20 to 35], further comprising preparing said candidate compound as a medicament, an herbicide, an insecticide, an anti-parasiticum, a cystostatic agent or a cytotoxic agent.

40. A medicament, a herbicide, an insecticide, an anti-parasiticum, a cystostatic agent or a cytotoxic agent obtainable or selectable by the method according to [any one of claims] claim 16[or 20 to 35].